

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 471, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 13, after "guardian" insert "**and did not kidnap the**
- 2 **child for sexual purposes**".
- 3 Page 2, line 16, after "guardian" insert "**and did not confine or**
- 4 **remove the child for sexual purposes**".
- 5 Page 2, line 33, after "person" insert ", **including a child,**".
- 6 Page 15, between lines 37 and 38, begin a new paragraph and insert:
- 7 "SECTION 13. IC 35-38-1-28 IS ADDED TO THE INDIANA
- 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2007]: **Sec. 28. (a) Except as provided in**
- 10 **subsection (c), immediately after sentencing for an offense, the**
- 11 **court shall order the defendant to be fingerprinted by an individual**
- 12 **qualified to take fingerprints. The fingerprints may be recorded in**
- 13 **any reliable manner, including the use of a digital fingerprinting**
- 14 **device.**
- 15 **(b) The court shall order a law enforcement officer to provide**
- 16 **the fingerprints to the prosecuting attorney and the state police**
- 17 **department in hard copy or in an electronic format.**
- 18 **(c) The court is not required to order the defendant to be**
- 19 **fingerprinted if the defendant was previously arrested and**
- 20 **processed at the county jail.**".

Page 18, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 17. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex offender web site, known as the Indiana sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex offender web site must include the following information:

(1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex offender.

(3) The information required under IC 11-8-8-8.

(c) Every time a sex offender registers, but at least once per year, the sheriff shall:

(1) photograph the sex offender; **and**

(2) determine whether the sex offender's fingerprints are on file:

(A) in Indiana; or

(B) with the Federal Bureau of Investigation.

If it appears that the sex offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place this the photograph described in subdivision (1) on the Indiana sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or

- 1 hairline.
- 2 (5) If the offender normally and consistently wears prescription
- 3 glasses, a hearing device, wig, or a similar article, the photograph
- 4 must show the offender wearing those items. A photograph may
- 5 not include dark glasses or nonprescription glasses with tinted
- 6 lenses unless the offender can provide a medical certificate
- 7 demonstrating that tinted lenses are required for medical reasons.
- 8 (6) The photograph must have sufficient resolution to permit the
- 9 offender to be easily identified by a person accessing the Indiana
- 10 sex offender web site.
- 11 (e) The Indiana sex offender web site may be funded from:
- 12 (1) the jail commissary fund (IC 36-8-10-21);
- 13 (2) a grant from the criminal justice institute; and
- 14 (3) any other source, subject to the approval of the county fiscal
- 15 body."
- 16 Renumber all SECTIONS consecutively.
(Reference is to SB 471 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Steele

Chairperson